

Application No.: 10/049,192  
Art Unit: 1648

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### **REMARKS**

Claims 40-91 are pending in this application and are subject to a restriction requirement. The Applicants herein amend non-elected Claim 40, and add new Claims 92 and 93. Support for Claim 40, as amended, as well as new Claims 92 and 93, is present in Tables 3.1 and 3.2 at pages 16-17, of the as-filed specification.

### **ELECTION/RESTRICTION**

The Applicants acknowledge the Examiner's rejection of their traversal of the Restriction Requirement dated August 29, 2005. Upon review of the Detailed Action provided by the Examiner, the Applicants provisionally elect Group III., Claims 57-91, which are drawn to a vaccine composition comprising a live attenuated human rotavirus, an antacid, and a viscous agent. The Applicants assert that newly added Claims 92 and 93 belong in elected Group III, as they are drawn to vaccine compositions.

Due to an alleged lack of unity amongst the pending claims, the Examiner also requires that the Applicants make four species elections. For the first species election, the Applicants elect the viral proteins of: (c) VP4 and VP7. For the second species election, the Applicants elect a species, wherein VP4 comprises at least: (iii) a thymine (T) base at position 501, which, on an amino acid level, corresponds to a Phenylalanine (Phe) amino acid at position 167 from the start codon (see new Claim 92). For the third species election, the Applicants elect a species, wherein VP7 comprises at least: (v) a thymine (T) at position 605. Tables 3.1 and 3.2 confirm that the VP7 variant designated as P38 or P43, which both contain a thymine (T) at position 605 from the start codon are equivalent to the VP7 variant protein designated as P38 or P43, which both contain a methionine (Met) amino acid at position 202 from the start codon (see new Claim 93). For the fourth species election, the Applicants elect the antacid, calcium carbonate.

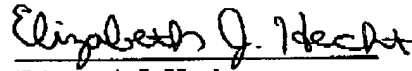
Should the restriction become final, the Applicants reserve the right to prosecute, in one or more patent applications, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. If it would advance the

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prosecution of the instant application, the Examiner is invited to confer with the Applicants' undersigned patent attorney by telephone.

Respectfully submitted,



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